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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harvey Dale DeFord et al.
 Appl. No. : 09/973,844
 Filed : October 9, 2001
 For : COMPOSITE BUILDING MATERIAL
 Examiner : Brian E. Glessner
 Group Art Unit : 3635

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (703) 872-9306 on the date shown below:

February 9, 2005

(Date)

Linda H. Liu, Reg. No. 51,240

AMENDMENT AFTER ALLOWANCE UNDER 37 C.F.R. § 1.312

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests consideration of this amendment under 37 C.F.R. § 1.312 after the mailing of the notice of allowance and before payment of the issue fee.

IN THE CLAIMS:

Please amend Claim 55 as follows:

55. (Currently Amended) A building material, comprising:

a first component, wherein the first component comprises a pre-formed fiber cement layer having a density of between about 53 to 115 lb/ft³ and a fiber cement content between about 5-12 wt.%;

a second component positioned adjacent the first component, wherein at least a portion of the components forms interpenetrating mechanical and chemical bonding with the other components; and

wherein the fibers of the first component extend in a substantially planar orientation substantially parallel to a surface of the pre-formed fiber cement layer.

